

SIXTY-FIFTH SESSION

In re ZAYED (No. 2)

(Application for interpretation)

Judgment 921

THE ADMINISTRATIVE TRIBUNAL,

Considering the application filed by Mr. Ezzat Fayez Zayed on 11 April 1988 for interpretation of Judgment No. 868, the reply filed by the Universal Postal Union (UPU) on 1 July, the complainant's rejoinder of 11 July and the UPU's surrejoinder of 15 August 1988;

Considering Articles II, paragraph 5, and VII, paragraph 1, of the Statute of the Tribunal;

Having examined the written evidence;

CONSIDERATIONS:

1. The complainant does not identify in the complaint form any decision he wishes to impugn, but both in his original brief and in his rejoinder he describes his complaint as an application for "interpretation" of Judgment 868.2. The Tribunal will treat the complaint as such. Since the purpose of such an application is not to challenge a decision by the defendant organisation but to seek interpretation by the Tribunal of one of its judgments, the requirement in Article VII(1) of the Statute of the Tribunal that the internal means of redress be exhausted does not apply. For that reason it is immaterial that the spokesman of the Arab Language Group wrote the complainant a letter on 31 May 1988 purportedly consenting to waiver of that requirement and to direct referral to the Tribunal. Either party may in any event apply to the Tribunal directly for interpretation of a judgment at any time after the judgment has been made known.

3. Although in their pleadings the parties express differing opinions about the purport of Judgment 868, the text of the operative part is clear and calls for no explanation or interpretation. Should the parties fail to agree on how to give effect to the Tribunal's ruling, the complainant may, once the internal means of redress have been exhausted as required by Article VII of the Statute, seek from the Tribunal a further ruling on any decision or decisions the competent Administration may have taken in execution of the judgment.

DECISION:

For the above reasons,

The application is dismissed.

In witness of this judgment by Mr. Jacques Ducoux, President of the Tribunal, Tun Mohamed Suffian, Vice-President, and Mr. Héctor Gros Espiell, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 8 December 1988.

(Signed)

Jacques Ducoux
Mohamed Suffian
H. Gros Espiell
A.B. Gardner

